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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/251,403	02/17/1999	MASAHITO NIKAWA	013227-049	3197

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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/251,403

Applicant(s)

NIIKAWA ET AL.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: The claim contains the language "a step of charging a compression rate". The examiner believes the text should properly read --a step of changing a compression rate--. Appropriate correction is required.
2. Claim 8 is objected to because it recites the limitation "said measured date and time" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

3. Applicant's arguments filed 10 November 2003 have been fully considered but they are not persuasive.

In re page 7, applicant's representative states that "Noting in Ichimura shows, teaches or suggests setting up rank data based upon commanded processing to be executed for an image as claimed in claims 1 and 4. Rather, Ichimura merely discloses indicating a start command to compress data when an elapsed time from when data is stored has reached a preset time. That is, the level of importance in Ichimura is based upon a preset elapsed time from when data was stored and is not based upon a commanded processing to be executed for an image."

The examiner respectfully disagrees. Claim 1, as written, simply claims an indicator for commanding a process for the image. Ichimura's timing-based signal is clearly such an indicator, as noted in the previous non-final rejection. Further, the

applicant or the representative have not made clear what distinction, if any, they feel may be made between Ichimura's timing-based command and the command of their invention.

Further, the applicant's "rank data" is also clearly met by the reference. Ichimura bases its compression trigger on the level of importance based on a criterion such as elapsed time since the data was stored, as noted in the non-final rejection. The ranking of data to high and low importance by Ichimura clearly meets the language of the claims. Ichimura goes on to explain "condition-matching intervals in which user-input data has been detected in that interval are deemed to be important intervals and those intervals are not compressed..." Ichimura clearly has input controls as well as automatic controls to trigger compression of the data.

Further in re page 7, applicant's representative states, "Nothing in Ichimura shows, teaches or suggests directing deletion of an image recorded in an image recording medium as claimed in claims 1 and 4."

Again, the examiner respectfully disagrees. Ichimura clearly states that the reason for compressing the image data is to save space. If the original image data were not deleted from the medium when the compressed image data is stored, space would not be saved. Deletion or erasure of the original data is clearly anticipated by Ichimura (Col 18, lines 52*57 "data...are compressed...so as to form empty capacity in the memory of the time-series data storing section"). This is reiterated in Col 21, lines 10-13 "the frame thinning process is conducted on the partial image strings of 10 frames

with, in this example, only the leading frame being retained and the other nine frames being deleted.

In re page 8, applicant's representative states, "Nothing in Ichimura shows, teaches or suggests compressing an image based upon when the deletion of an image is directed as claimed in claims 1 and 4."

The examiner respectfully disagrees. Ichimura clearly shows how images deemed to be unimportant (deletion is directed) are compressed and the original is deleted. While the specification of the application notes that the compression and deletion of images takes place during a transfer from one media to another, the claims as written do not clearly contain such a limitation.

Further in re page 8, applicant's representative states, "Nothing in Ichimura shows, teaches or suggests recording a time when an indicator commands processing to be executed for an image as claimed in claims 5, 8, 10 and 12."

The examiner respectfully disagrees. While the applicant's representative is correct in saying that Ichimura discloses a time data storage section which stores the time when recording of audio and image signals are started, the examiner understands that recording of an image is a process of that image, and therefore meets the language of the noted claims

In re page 9, applicant's representative states, "Nothing in Ichimura shows, teaches or suggests changing the compression rate based upon an elapsed time since the time when the indicator commands a processing to be executed for an image as

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claimed in claim 5 or changing a compression rate based upon measured date and time as claimed in claim 8.”

In response, the examiner wishes to point out that Ichimura discloses a change in compression rate (Col 24, lines 33-38 “during compression of the image data...the compression ration...is dynamically changed”) when a timer indicates an elapsed time has occurred (Col 17, lines 61-66 “the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time”) since the command for processing an image (Col 17, lines 61-66 “the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time”). Because of the language of Claim 8 (“measured date and time”), it has been interpreted as measuring from a date and time, which is clearly anticipated by Ichimura as noted above, and in Col 31, lines 9-21 where he indicates a calculation of maintenance based on the number of days elapsed from recording.

Further in re page 9, applicant’s representative states, “Nothing in Ichimura shows, teaches or suggests setting up an evaluation value based upon processing to be executed for an image and lowering the evaluation value based upon no command being given for a predetermined time as claimed in claims 10 and 12.”

The examiner respectfully disagrees for the reasons stated above, and also wishes to point out that Ichimura reiterates that a command of declaring a section of data to be is compressed less than data without such commands over time in the

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abstract, and from Col 5, line 66 to Col 6, line 7: "the correspondence relationship between the interval data indicating an interval fixed by the user-input data and the storage position of the audio data or image data in the time-series data storing device corresponding to said interval data, is stored by the correspondence relationship storing device. Consequently, when undertaking compression using the compression device, it is easy to associate...the interval data that is to be maintained at high quality and the audio data or image data of the interval in accordance with the stored contents of the correspondence relationship storing device. The image data of intervals fixed by the user-input data is maintained at high quality and consequently, during playback at a later time, it is possible to play back the image data of the important intervals with high quality."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura (6,188,831).

Regarding claims 1 and 4, Ichimura discloses an image processing device and method for processing images which are recorded in a recording medium (Col 5, lines 23-26 "the data storage apparatus includes a compression device for reading and compressing the time-series data which is stored") comprising:

- an indicator which commands a processing to be executed for the image (Col 13, lines 61-63 “a compression trigger timing signal that is the impetus for starting the...compression of the image data”);
- a controller which sets up rank data in accordance with the processing commanded by the indicator (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]”);
- a deletion directional member which directs to delete the image recorded in the image recording medium (Col 18, lines 52-57 “data...are compressed...so as to form empty capacity in the memory of the time-series data storing section”);
- a compressor which compresses the image based on the data when the deletion directional member directs to delete the image (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]”); and
- a recorder which stores the compressed image (Col 18, lines 56-57 “Time-series data storing section”).

Applicant's representative has argued, “Nothing in Ichimura shows, teaches or suggests setting up rank data in accordance with processing to be executed for an image as claimed in claims 1 and 4. Rather, Ichimura merely discloses compressing an image based upon when a user-input data was input as the important interval.”

The examiner respectfully disagrees. Ichimura bases their compression trigger on the level of importance based on a criterion such as elapsed time since the data was stored, as noted in the quoted passage in the rejection.

Regarding claim 2, Ichimura discloses an image processing device wherein the compressor alters a compression rate of the image based on the data (Col 5, lines 28-30 “the time-series data in other intervals are compressed by a different compression rate or a compression system based on the correspondence-relationship”).

Regarding claim 3, Ichimura discloses an image processing device wherein the data is evaluation value for the image (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]”).

Regarding claims 5, 8, 10, and 12, Ichimura discloses a device and method for processing images which are recorded in a recording medium comprising:

- an indicator which commands a processing to be executed for the image (Col 19, lines 17-18 “the compression process start request is generated”);
- a recorder which records a time when the indicator commands a processing (Col 17, lines 50 “The time data storing section”);
- a timer which measures an elapsed time since the time (Col 17, lines 61-66 “the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time”); and

- a controller which changes a compression rate, which is set in accordance with an evaluation value for the image based on an output from the timer (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]" and Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 6, Ichimura discloses an image processing device comprising:

- a detector which detects that the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time"); and
- the controller which controls so as to increase the compression rate based on the output from the detector (Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claim 7, Ichimura discloses an image processing device wherein the controller sets up lower evaluation value for the image when the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

Regarding claim 9, Ichimura discloses an image processing method further comprising a step of setting up a higher compression rate when it is detected that no command is given for a predetermined time or more (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time” and Col 24, lines 33-38 “during compression of the image data...the compression ratio...is dynamically changed”).

Regarding claims 11 and 13, Ichimura discloses an image processing method and device wherein the evaluation value is set up in accordance with the command from the indicator (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time”).

Allowable Subject Matter

6. Claims 14-18 are allowed for the reasons of record.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
January 14, 2004


VINCENT BOCCIO
PRIMARY EXAMINER